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EXAMINER

MANNING, JOHN

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,964

Applicant(s)

PERLMAN, STEVE

Examiner

John Manning

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The attempt to incorporate subject matter into this application by reference is improper because no reference number of filing date is given.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-7, 22-23, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamlin (US Pat No 5,574,964).

In regard to claim 1, the Hamlin reference discloses a signal distribution system that receives multimedia content on a first communication channel and also receives multimedia content on a second communication channel, where the second communication channel is incompatible with the first communication channel. The disclosed system distributes the first and second multimedia content to multimedia nodes responsive to the requests of the nodes. The “received distinct input media signals 22 are all received by a converter 34 wherein the media signals 22 of various signal types are converted into a respective converted frequency signal that is transmitted along a communication bus 36 throughout the house 12. The converter 34 can be located outside or inside home 12” (Col 3, Lines 3-9; Figures 1-2).

In regard to claim 2 and 6, the reference discloses that the "first" communication channel is a broadcast cable channel. "Numerous mass media signals 22 are being received from outside home 12. These mass media signals consist of various types of signals, such as television signals, ADSL signals, GSM signals, and the like. Mass media signals 22 are received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37. At least several of the signals 22 are received on different signal mediums and at different frequencies" (Col 2, Lines 61-67; Col 3, Lines 1-2).

In regard to claims 3 and 4, the reference discloses that the "second" communication channel is a DSL line. DSL is inherently a packet-switched TCP/IP channel. "Numerous mass media signals 22 are being received from outside home 12. These mass media signals consist of various types of signals, such as television signals, ADSL signals, GSM signals, and the like. Mass media signals 22 are received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37. At least several of the signals 22 are received on different signal mediums and at different frequencies" (Col 2, Lines 61-67; Col 3, Lines 1-2).

In regard to claim 7, the reference discloses that the "second" communication channel is a satellite channel. "Mass media signals 22 are received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable

television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37" (Col 2, Lines 63-67).

In regard to claim 22, the Hamlin reference discloses a signal distribution system that receives multimedia content on a first communication channel and also receives multimedia content on a second communication channel, where the second communication channel is incompatible with the first communication channel. The disclosed system distributes the first and second multimedia content to multimedia nodes responsive to the requests of the nodes. The "received distinct input media signals 22 are all received by a converter 34 wherein the media signals 22 of various signal types are converted into a respective converted frequency signal that is transmitted along a communication bus 36 throughout the house 12. The converter 34 can be located outside or inside home 12" (Col 3, Lines 3-9; Figures 1-2). The reference discloses that the "first" communication channel is a broadcast cable channel. "Numerous mass media signals 22 are being received from outside home 12. These mass media signals consist of various types of signals, such as television signals, ADSL signals, GSM signals, and the like. Mass media signals 22 are received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37. At least several of the signals 22 are received on different signal mediums and at different frequencies" (Col 2, Lines 61-67; Col 3, Lines 1-2). The reference discloses that the "second" communication channel is a DSL line. DSL is inherently a packet-switched TCP/IP channel.

In regard to claim 23, the network is inherently a real time network.

In regard to claim 27, the reference discloses that the on of the multimedia channels is a public switched telephone network channel. "Mass media signals 22 are received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37" (Col 2, Lines 63-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-10, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin in view of Shimomura et al. (US Pat No 6,526,580).

In regard to claim 8, the Hamlin reference discloses a home signal distribution system. The reference fails to explicitly disclose the distribution of the received signals over a wireless network. The Shimomura et al. reference teaches the use of a wireless network so as to easily accommodate more clients on the network. "FIG. 3a illustrates a first example usage of a wireless multimedia receiver/server device" (Col 5, Lines 63-64). Also, the "The wireless multimedia receiver/server device is not limited to usage by personal computer systems. FIG. 3b illustrates an example usage wherein a television

set-top box 320 is coupled to a wireless multimedia receiver/server device 330. The television set-top box 320 may operate using standard Internet data communication protocols such as HyperText Transport Protocol (HTTP)" (Col 6, Lines 11-15).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hamlin reference to easily accommodate more clients on the network.

In regard to claim 9, Hamlin's disclosed network is implicitly a real-time network.

In regard to claim 10, the Shimomura et al. discloses that there is also a "terrestrial portion" to the network. "In the embodiment of FIG. 3a, a personal computer system 310 is coupled directly to a wireless multimedia receiver/server device 330. A number of different interface ports on computer system 310 may be used for such a connection. For example, a parallel data port, a Small Computer System Interface (SCSI), an Ethernet interface (using a cross-over cable), a FireWire.TM. Bus (IEEE.1394), or a Universal Serial Bus (USB) interface may be used to couple computer system 310 to wireless multimedia receiver/server device 330. It is desirable to select the available computer interface having the highest data rate in order to efficiently deliver rich multimedia content from the multimedia receiver/server device 330 to the computer system 310" (Col 5 Lines 64-67; Col 6, Lines 1-10).

In regard to claim 24, the Hamlin reference discloses a home signal distribution system. The reference fails to explicitly disclose the distribution of the received signals over a wireless network. The Shimomura et al. reference teaches the use of a wireless network so as to easily accommodate more clients on the network. "FIG. 3a illustrates

a first example usage of a wireless multimedia receiver/server device" (Col 5, Lines 63-64). Also, the "The wireless multimedia receiver/server device is not limited to usage by personal computer systems. FIG. 3b illustrates an example usage wherein a television set-top box 320 is coupled to a wireless multimedia receiver/server device 330. The television set-top box 320 may operate using standard Internet data communication protocols such as HyperText Transport Protocol (HTTP)" (Col 6, Lines 11-15).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hamlin reference to easily accommodate more clients on the network.

In regard to claim 25, the Shimomura reference discloses wire network distribution system. Shimomura fails to explicitly disclose that the IEEE 802.11b network protocol is used. However, the examiner gives OFFICIAL NOTICE that it is notoriously well know in the art to use the IEEE 802.11b network protocol in a wireless system so as to gain higher speed physical layer extension. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Shimomura with the IEEE 802.11b network protocol for the stated advantage.

4. Claims 5, 11-19, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin in view of Humpleman (6,188,397).

In regard to claim 5, the Hamlin reference discloses a home signal distribution system. Hamlin fails to explicitly disclose that the packet-switched TCP/IP channel is provided by a cable modem connection. However, the examiner gives OFFICIAL NOTICE that it is notoriously well know in the art to provide a packet-switched TCP/IP

channel by a cable modem connection so as to provide a high-speed network connection. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Hamlin with a packet-switched TCP/IP channel by a cable modem connection for the stated advantage.

In regard to claim 11, the Hamlin reference discloses a home signal distribution system. The reference fails to explicitly disclose storing multimedia content on a storage device for subsequent distribution to multimedia nodes. The Humpleman reference teaches storing multimedia content on a storage device for subsequent distribution to multimedia nodes. "This equipment can be, for example, analog television 12, digital television 14, digital VCR 16, digital camcorder 18, personal computers 20, audio equipment 22, printers 24, facsimile machines 26, and telephones 28, among others. In addition to connecting this equipment to the outside world, the network 10 also connects the digital video, digital audio, computer and telephone equipment together internally in the home. This unifies communication and control within the home, making the full power of the external network connections or internal data sources available to any terminal on the network 10" (Col 3, Lines 10-20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hamlin reference to store multimedia content so that the multimedia information may be distribution to multimedia nodes at a later time.

In regard to claim 12, the Hamlin reference discloses a home signal distribution system. The reference fails to explicitly disclose receiving audio over public switched telephone network. The Humpleman reference teaches receiving audio over public

switched telephone network so as to allow audio to be played at one or more multimedia nodes. The different external networks may carry different types of signals. These may be, for example, broadcast signals (digital or mixed analog/digital) carried on hybrid fiber coax or cable. Other types of signals are ISDN, broadcast/digital satellite service, FTTC, FTTH, ADSL, and others. At least the following data types may be carried: compressed video, compressed audio, compressed internet WWW graphics and data, internet e-mail and other data, computer file data and control message data. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hamlin reference to receive audio over public switched telephone network so as to allow audio to be played at one or more multimedia nodes.

In regard to claim 13, the Humpleman reference discloses the storage of audio for subsequent distribution to one or more of the nodes. "Audio products that can be coupled to the network 10 include: digital compressed (MPEG) and uncompressed audio equipment; HIFI stereo; digital audio tape recording products" (Col 4, Lines 10-13).

In regard to claim 14, the Hamlin reference discloses a signal distribution system that receives multimedia content on a first communication channel and also receives multimedia content on a second communication channel, where the second communication channel is incompatible with the first communication channel. The disclosed system distributes the first and second multimedia content to multimedia nodes responsive to the requests of the nodes. The system utilizes a plurality of multimedia node configured to communicate with the server over an implicit "real-time"

network. The Hamlin reference fails to explicitly disclose storing multimedia content on a storage device for subsequent distribution to multimedia nodes. The Humpleman reference teaches storing multimedia content on a storage device for subsequent distribution to multimedia nodes. "This equipment can be, for example, analog television 12, digital television 14, digital VCR 16, digital camcorder 18, personal computers 20, audio equipment 22, printers 24, facsimile machines 26, and telephones 28, among others. In addition to connecting this equipment to the outside world, the network 10 also connects the digital video, digital audio, computer and telephone equipment together internally in the home. This unifies communication and control within the home, making the full power of the external network connections or internal data sources available to any terminal on the network 10" (Col 3, Lines 10-20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hamlin reference to store multimedia content so that the multimedia information may be distribution to multimedia nodes at a later time.

In regard to claim 15 and 19, the reference discloses that the "first" communication channel is a broadcast cable channel. "Numerous mass media signals 22 are being received from outside home 12. These mass media signals consist of various types of signals, such as television signals, ADSL signals, GSM signals, and the like. Mass media signals 22 are received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37. At least several of the signals 22 are received on

different signal mediums and at different frequencies" (Col 2, Lines 61-67; Col 3, Lines 1-2).

In regard to claims 16 and 17, the reference discloses that the "second" communication channel is a DSL line. DSL is inherently a packet-switched TCP/IP channel. "Numerous mass media signals 22 are being received from outside home 12. These mass media signals consist of various types of signals, such as television signals, ADSL signals, GSM signals, and the like. Mass media signals 22 are received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37. At least several of the signals 22 are received on different signal mediums and at different frequencies" (Col 2, Lines 61-67; Col 3, Lines 1-2).

In regard to claim 18, the Hamlin reference discloses a home signal distribution system. Hamlin fails to explicitly disclose that the packet-switched TCP/IP channel is provided by a cable modem connection. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to provide a packet-switched TCP/IP channel by a cable modem connection so as to provide a high-speed network connection. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Hamlin with a packet-switched TCP/IP channel by a cable modem connection for the stated advantage.

In regard to claim 21, the reference discloses that the on of the multimedia channels is a public switched telephone network channel. "Mass media signals 22 are

received by the home 12 via a standard television aerial 24, a satellite dish 26, a banking network line 28, a cable television line 30, an Advanced Digital Subscriber Loop (ADSL) line 32, an interactive game network line 17, and even a telephone line 37" (Col 2, Lines 63-67).

In regard to claim 26, the Hamlin reference discloses a home signal distribution system. The reference fails to explicitly disclose storing multimedia content on a storage device for subsequent distribution to multimedia nodes. The Humpleman reference teaches storing multimedia content on a storage device for subsequent distribution to multimedia nodes. "This equipment can be, for example, analog television 12, digital television 14, digital VCR 16, digital camcorder 18, personal computers 20, audio equipment 22, printers 24, facsimile machines 26, and telephones 28, among others. In addition to connecting this equipment to the outside world, the network 10 also connects the digital video, digital audio, computer and telephone equipment together internally in the home. This unifies communication and control within the home, making the full power of the external network connections or internal data sources available to any terminal on the network 10" (Col 3, Lines 10-20).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hamlin reference to store multimedia content so that the multimedia information may be distribution to multimedia nodes at a later time.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin in view of Humpleman and further in view of Shimomura et al.

In regard to claim 20, the Hamlin reference discloses a home signal distribution system. The reference fails to explicitly disclose the distribution of the received signals over a wireless network. The Shimomura et al. reference teaches the use of a wireless network so as to easily accommodate more clients on the network. "FIG. 3a illustrates a first example usage of a wireless multimedia receiver/server device" (Col 5, Lines 63-64). Also, the "The wireless multimedia receiver/server device is not limited to usage by personal computer systems. FIG. 3b illustrates an example usage wherein a television set-top box 320 is coupled to a wireless multimedia receiver/server device 330. The television set-top box 320 may operate using standard Internet data communication protocols such as HyperText Transport Protocol (HTTP)" (Col 6, Lines 11-15). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hamlin reference to easily accommodate more clients on the network.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9695 for regular communications and 703-746-9695 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.

JM
February 5, 2004



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